



DANIEL C. FLEMING
Member of NJ, PA, NY & DC Bars

dfleming@wongfleming.com

August 19, 2024

VIA ECF

Honorable James Donato, U.S.D.J.
U.S. District Court
Northern District of California
Phillip Burton Federal Building
& U.S. Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Diane Slater v. FDIC, as Receiver for First Republic Bank,
Case No. 3:23-cv-03703-JD

Dear Judge Donato:

This office represents Defendant FDIC, as Receiver for First Republic Bank, in the above referenced action. On May 7, 2024, this Court stayed this action until August 12, 2024, for settlement purposes, and directed the parties to file a status report by August 19, 2024.

Since May 12, 2024, the FDIC provided Plaintiff Diane Slater, with a copy of its valuation of the assets of First Republic Bank, and on June 24, 2024, provided Plaintiff with a copy of the declaration page for an insurance policy that covers employment claims during the time of the incident alleged in this action. We have since followed up with Douglas Prutton, counsel for Plaintiff and have not received any communication about whether Plaintiff will be proceeding with this action or wished to proceed with a mediation. Moreover, on today's date, after e-mailing him, we received an out of office message from Mr. Prutton, indicating he is out of the office from August 19 to 26, 2024. Plaintiff has not responded to our phone calls and e-mails and we are therefore submitting this status report without any input from Plaintiff.

We also note that there are two related matters before Your Honor, Docket No. 3:23-cv-03703 (JD) and Docket No. 3:23-cv-03747 (JD). The action bearing Docket No. 3:23-dv-03703-JD, was removed from JAMS Mediation, Arbitration and Reconciliation Services, on July 26, 2023. The action bearing Docket No. 3:23-cv-0347 (JD) is an action that was removed to this Court from the Contra Costa County Superior Court on July 27, 2023. The Court, on August 16, 2023, filed a Related Case Order. We request that these actions be administratively consolidated, for the same reasons that these actions were deemed to be related. These "actions concern the same parties and events," and "there will be an unduly burdensome duplication of labor and expense or conflicting results" if these cases are conducted separately. See Civil L.R. 3-12.

821 ALEXANDER ROAD, SUITE 200 • P.O. BOX 3663 • PRINCETON, NJ 08543-3663

TEL: (609) 951-9520 • FAX: (609) 951-0270

WWW.WONGFLEMING.COM

CALIFORNIA • DISTRICT OF COLUMBIA • FLORIDA • GEORGIA • IDAHO • INDIANA • MARYLAND
MICHIGAN • NEVADA • NEW JERSEY • NEW YORK • OREGON • PENNSYLVANIA • TEXAS • WASHINGTON

ATTORNEYS ADMITTED SOLELY IN THE JURISDICTION WHERE LISTED OFFICE IS LOCATED, UNLESS OTHERWISE NOTED



I am requesting that if there is a conference scheduled with the Court, it is held remotely during the next several weeks, in August, or in October, in view of a number of competing demands of this firm and our client.

Thank you for Your Honor's consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Dan Fleming', written over a horizontal line.

Daniel C. Fleming

cc: D. Prutton, Esq.
L. Wong, Esq., pro hac vice

DCF/LW/ed
File No. 29890002